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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/548,322	04/12/2000	Albert L. Donaldson	110768-00102	6262
27557 759	09/17/2003			•
BLANK ROME LLP			EXAMINER ·	
WASHINGTON	PSHIRE AVENUE, N.W I, DC 20037		CARDONE,	JASON D
			ART UNIT	PAPER NUMBER
		•	2142	
			DATE MAILED: 09/17/2003	Ь

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Application No. DONALDSIN, ALBERT L.			AP4				
Examiner	,	Application No.	Applicant(s)				
Jason D Cardone 2142	Office Action Summer	09/548,322	DONALDSON, ALBERT L.				
- The MALING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION. Each active storm may be available under the provisions of 3 CER 1.18(a). In role went, however, may a rebly be limely field The pasod for really appointed above is leas least after (30) days, an apply within the statutory minimum of thiny (30) days, will be considered timely, If the pasod for really appointed above is leas least limity (30) days, as reply within the statutory minimum of thiny (30) days will be considered timely, If the pasod for really appointed above is least least limity (30) days, as reply with the statutory minimum of thiny (30) days will be considered timely, If the pasod for really appointed time and the statutory period will apply and will legicis (50) (MONTHS from the maling date of this communication. If the pasod for really apply date is the statutory period will apply and will legicis (SI, (SI, SI, SI, SI, SI, SI, SI, SI, SI, SI,	Office Action Summary	Examiner	Art Unit				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - and state SX (e) MONTES from the mailing date of this communication of CPR 1. 18(a). In no event, however, may a redy be timely fled - and state of the properties of the properties of the communication. - If the period for reply specified abover, the maintain statutory period will apply add will legies SX (6) MONTES from the maining date of this communication. - If the period for reply specified abover, the maintain statutory period will apply add will legies SX (6) MONTES from the maining date of this communication. - If the period for reply specified abover, the maintain statutory period will apply add will legies SX (6) MONTES from the maining date of this communication, even if timely filled, may reduce any object to communication (s) filled on 10 July 2002. - Any reply received by the Office for the thin free monical and the thin ambign date of this communication, even if timely filled, may reduce any object to temporary the specification is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-43 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 1-43 is/are allowed. 6) Claim(s) 1-43 is/are allowed. 6) Claim(s) 1-43 is/are allowed. 6) Claim(s) 1-43 is/are allowed. 7) Claim(s) 1-47 is/are allowed. 8) Claim(s) 1-48 is/are pending in the application. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on 12 April 2000 is/are: a) accepted or b) objected to by the Examiner. Application Papers Application Papers 11) Free proposed drawing correction filed on 1. is: a) approved by disapproved by the Examiner. 12) The proposed drawing correction filed on 1. is: a) approved by disapproved by the Examiner. 13 Acknowledgment i	7	1					
THE MAILING DATE OF THIS COMMUNICATION. Edetains of time may be available under the provision of 37 CR 1.13(e). In no event, however, may a reply be firely fled after SIX (6) MCNTRS from the mailing date of this communication. It NO particle for reply is sendially all the communication of the communication of the provision of	The MAILING DATE of this communication app Period for Reply	pears on the cover sheet with	the correspondence address				
2a) This action is FINAL. 2b) This action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s)	 THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a repl If NO period for reply is specified above, the maximum statutory period Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b). 	136(a). In no event, however, may a reply within the statutory minimum of thirty will apply and will expire SIX (6) MONTHs. cause the application to become ABA	oly be timely filed (30) days will be considered timely. HS from the mailing date of this communication. NDONED (35 U.S.C. § 133)				
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DETAILED ACTION

1. Claims 1-43 are presented for examination.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-43 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-28 of U.S. Patent No. 6,321,267 (hereinafter '267 patent). Although the conflicting claims are not identical, they are not patentably distinct from each other because '267 patent contains the same subject matter. The common subject matter is the dialup filter ['267 patent, claim 1], the relay filter ['267 patent, claim 1], the user filter ['267 patent, claim 1], the whitelist ['267 patent, claim 14], and the blacklist ['267 patent, claims 11-13]. '267 patent does not disclose quarantine messages but does disclose a memory storing rejected messages ['267 patent, claim 8]. It would have been obvious to one having ordinary skill in the art, at the time the invention was made to incorporate the quarantine/stored messages into

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the email system, disclosed by '267 patent, in order to temporarily hold onto the rejected

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messages for further investigation.

Conclusion

4. A shortened statutory period for reply to this Office action is set to expire THREE

MONTHS from the mailing date of this action.

5. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jason D Cardone whose telephone number is (703)

305-8484. The examiner can normally be reached on Mon.-Thu. (9AM-6PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Mark Powell can be reached on (703) 305-9703. The fax phone number for

the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 305-

3900.

Jason D Cardone

Examiner

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September 12, 2003